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COMMITTEE A, ACADEMIC FREEDOM AND TENURE *

The report from Committee A is in two parts. The first part presents the facts found in an investigation which the Committee was requested to make. The second part reviews the activity of the Committee during the past year, with an expression of certain opinions which the chairman has formed during his two years' experience with the problems of the Committee.

PART I

The Council requested Committee A to investigate the extent to which the principles of academic freedom set forth in the reports of the Association and the procedure in dismissal cases approved by the Association have become accepted by the institutions throughout the country. The Council wished to find out how much effort had been put forth by the Local Branches in securing the acceptance of the standards approved by the Association.

To get this information a list of six questions was sent to the president or secretary of each Branch listed in the January-February (1921) BULLETIN (pp. 61-62). From the fifty-nine Branches located at colleges or universities, replies were received from fifty-four, so that the data here given represent a fair picture of the present situation, in so far as this method of investigation can reveal the facts. A number of the replies furnished copies of the constitutions or laws governing the points inquired about, and others quote from these documents the pertinent parts. Appended to this report is the list of questions sent out.

In order to understand local situations and to gain an impression of the relation of individual members of the staff to the administrative officers, the question concerning methods of appointment was framed. The replies to this question are of interest. In the majority of cases the initiative is taken by the Department. Recommendations are then sent to the Dean, who transmits to the President, who finally recommends to the Trustees or Regents. The President, in nearly all cases, may make independent recommendations. In some

* For action of the Association, see page 3.

cases he takes the initiative when the head of a department, or in some institutions, when a full professor is to be appointed. On the basis of frequency, the method, from Department to Dean, to President, may be said to be the normal method of making appointments.

Of greater interest to this Association is the departure from the common or standard practice. In fourteen of the fifty-four institutions reporting (25 per cent.), either as the result of definite rules adopted by the institution or as a matter of common administrative practice, the general Faculty exercises, in one way or another, some authority over the selection and promotion of the instructional staff, or participates in the development of the budget, thus exercising an influence not only over selection and promotion, but the broader educational policy that depends upon the distribution of available funds.

In presenting these facts, there is no claim to completeness of statement, as the method of investigation was not intended to bring all of the organic law governing the various institutions under careful observation. The statements here made are based upon the replies by a local member of the Faculty, and these replies were in some instances supplemented by copies of the laws or rules governing the institutions. Doubtless there are many errors, but the evidence is sufficiently reliable to show some matters of general interest. The replies are reproduced in about the form in which they were received. They may contain suggestions for other institutions that may be dealing with similar problems.

The Method of Making Appointments

University of California.

The President shall recommend to the Board of Regents appointments, promotions, demotions, and dismissals of members of the Academic Senate. He shall take such action whenever they affect professorial positions only after consultation with properly constituted advisory bodies of the Academic Senate.

Dartmouth College.

"Committee advisory to President shall consist of the Dean and of five other members to be appointed by the President from a group consisting of five professors and three assistant professors, who are chosen by a majority vote of the Faculty without previous nomination. When a member has served

two successive terms on this Committee he shall not be eligible for immediate renomination. The Committee shall serve for one year immediately on appointment by the President.

"It shall be the duty of this Committee to consult with the President with reference to carrying into effect the terms of the vote passed by the faculty on April 23, 1917, and ratified by the Trustees regarding tenure of office, and appointment, reappointment, and failure of reappointment of members of the Faculty above the rank of the instructor."

In voting this rule establishing the condition of academic tenure as here referred to, the Trustees say in section two of the "Agreement" that they "would like in this connection to call attention to the occasional need, for the good of the service, that a member of the Faculty shall be demoted, or even dismissed; and would wish to have the endorsement of the Faculty upon the proposition that, to the extent that this Committee is given participation in the policies having to do with advancement of members of the Faculty, in like manner it shall share responsibility in the occasional perplexing problems connected with inefficient service or non-ability to make their work of advantage to the college."

Johns Hopkins University.

The Academic Council consists of the President, the Dean of the Philosophical Faculty, and ten members elected by ballot by the entire membership of that Faculty. "Its powers are defined rather by custom than by formal statutes." In practice it makes recommendations to the Board of Trustees respecting all appointments and promotions, and on all questions of educational policy affecting the Philosophical Faculty. It also elects annually a budget committee, which advises with the President concerning salaries.

University of North Carolina reports that the President has an Advisory Committee to help him.

Northwestern University.

In the College of Liberal Arts there has grown up a practice, as the result of about ten years' experience, of electing a Budget Committee. Annually three members of the College Faculty are elected by the voting members of the Faculty (Professors,

Associate Professors, Assistant Professors, and Instructors who have served a term of two years) without previous nomination.

The Dean of the College and the President of the University are *ex-officiis* members of this Committee. All departmental recommendations for promotions in rank and salaries are canvassed by this Committee, and the Budget of this College is worked out in this manner. The initiative for all appointments and promotions is taken by the department heads, but the recommendations pass through the hands of the Budget Committee.

Princeton University.

Recommendations are made by chairman of department to a Committee on Appointments and Advancements which is composed of the President and three members elected by the Faculty from the membership of the Advisory Council. The Advisory Council consists of the chairmen of all the departments. The Committee on Appointments and Advancements makes its recommendations to the Advisory Council, which makes recommendations to the President, who then takes the recommendations to the Trustees.

Reed College.

Appointment, promotions, and removals are presented by the President to the Faculty Council. He first consults the departments concerned and then makes his recommendations, which he brings before the Faculty Council. In case there is any difference of opinion, the matter is taken before the Welfare Committee, composed of two Regents, the President, and two elected Faculty members. This plan is described in *School and Society*, April 22, 1916, pp. 594-599.

Smith College.

Recommendations for appointments come from the chairman of the department after consultation with members of the department of professorial rank. These go to the President. But all appointments and promotions come before a Committee of Tenure and Promotions, consisting of the President, the Dean, and three members of the Faculty elected annually. The findings of this Committee are reported to the Trustees for consideration in the final decision.

Stanford University.

The Advisory Board shall consist of nine members of the rank of professor, one from each of the five department groups, as enumerated.

Elections shall be by sealed ballot without nomination. The election is by the Academic Council, which consists of "the President, all Professors, Associate Professors, the Librarian, the Registrar, the Academic Secretary, such Assistant Professors as have been upon the roll of the Faculty for three years, whether as Assistant Professors or Instructors, and such other officers of the University or members of the teaching staff as the Academic Council may, with the assent of the Board of Trustees, determine."

The members of the Advisory Board serve three years, one-third of the number being elected each year.

The Advisory Board shall advise the President concerning any matters which he may choose to refer to it.

"All executive acts of general importance such as recommendations for appointments, promotions and dismissals, etc., shall be submitted by the President to the Advisory Board for approval before they shall become operative, or before they shall be submitted to the Trustees for their action, when such action is necessary."

"In all cases, in presenting such matters to the Board of Trustees, the President shall state whether or not they have the approval of the Advisory Board.

"The Advisory Board shall be privileged to make such recommendations to the President, regarding policy, as it may decide by vote to be expedient, but no recommendations for appointments, promotions, or dismissals shall originate with the Advisory Board."

"It may, by a two-thirds vote of its members, appeal to the Trustees any differences between the President and itself.

"The Advisory Board may convene the Academic Council at any time."

The Trustee rule (adopted March 30, 1906) on Appointments, Promotions, and Dismissals is of interest. "*Resolved*, That the following resolution presented by the Organization Committee relative to the appointment, promotion, and dismissal of pro-

fessors and teachers at the University be adopted by the Board of Trustees, subject to amendment or repeal by the Board:

Whereas, It is desirable that all nominations for appointments and promotions of members of the teaching staff at the University and all recommendations for dismissals be made by or through the President of the University, the Board of Trustees taking no initiative in these matters; and

Whereas, It is undesirable that either the power of appointment or removal should rest absolutely in the hands of a single person,—

It is *resolved* and *agreed* by the Board of Trustees and President of the Leland Stanford Junior University that so long as nominations for appointments, and promotions of members of the teaching staff at the University are made by or through the President of the University, no dismissal shall be made without the concurrence of a majority of the Trustees present at a meeting of the Board of Trustees at which a quorum shall be present;

That in the case of the recommendation of the removal of a member of the teaching staff involving any question affecting his honor or moral character, he shall be furnished by the President, upon application, with a specific written statement of all charges and evidence reflecting upon his honor or moral character, and be given an opportunity to present a written statement of his answer and of any evidence he may wish to offer in defense, and a copy of all such charges and evidence, together with any answer and evidence offered by the accused, and the recommendations of the Advisory Board, shall be attached to the recommendation of the President of the University, and the action of the Board of Trustees shall be based solely upon the recommendation of the President of the University and the record attached thereto, there being no further hearing before the Board of Trustees or any member thereof, unless the Board in its discretion shall elect to receive other evidence in aid of its decision, and any such recommendation and information affecting the honor or character of a member of the teaching staff shall be presented to and acted upon by the Board of Trustees separately from anything which may involve his competency or fitness in any other respect. The members of the Board shall not in any case or in any event listen to or receive any statement concerning such matter except in open meeting."

This scheme of operation was the "joint labors of a committee of the Board of Trustees and a Committee of the Academic Council" and "has worked well, protecting both executives and members of the Faculty, against indefensible charges."

Union College.

When a head of a department is appointed the "President is in the habit of calling into consultation the leading men of the Faculty."

Vassar College.

The President recommends, but in all cases involving appointments above the rank of Instructor, the recommendation is made only after consultation with the Committee on Appointments, Promotions, and Dismissals. This Committee consists of three members elected by the Faculty and serving for a term of three years, one being elected each year.

Washburn College.

The by-laws of the institution set up the following machinery to deal with questions of appointments, promotions, and dismissals:

A first appointment, as far as practicable, is made for one year, "by the President with the advice of the Dean of the School to which the appointment is made." In case the appointment is made for more than one year, "the above officers, when practicable, shall consult the General Council or such members of it as are available."

Reappointments, appointments to indefinite tenure, and all promotions shall be made by the Board of Trustees on recommendation of the President after conference with the General Council, and with the head of the department concerned.

The General Council is an advisory body to the President consisting of the President, the deans, and elective members from the General Faculty equal to the number of deans, the majority of whom shall be chosen from the School of Liberal Arts and Sciences.

The election to the General Council shall be by ballot.

If the General Council fails to approve of the recommendations of the President he shall have power to refer them to the Welfare Council, which shall have power to veto or refer them to the Board with full information and with such suggestions as the Welfare Council may deem advisable.

This Welfare Council is a mediating body and consists of

the President, *ex-officio*, three members of the Board of Trustees, elected at the annual meeting of the Board, and three members of the General Faculty, elected by the Faculty.

This body considers all matters and only such matters as are referred to it by the Board of Trustees, by the President, by the General Faculty, by any group of the Faculty or by any Faculty member. It shall have power to adjust such matter, or failing to do so refer the same to the Board.

Wellesley College.

Departmental recommendations for appointments and promotions are considered by a General Committee on Promotions. In case of Associate Professors, only Professors vote for or against promotion; in the case of Assistant Professors, both Professors and Associate Professors vote; and in case of Instructors, Professors of all ranks vote. The recommendations of this Committee voting in this way are then passed on to the President, and by him to the Trustees.

Western Reserve University.

Apparently the most democratic method of appointment and promotion exists at Western Reserve. Here it seems that the Faculty appoints Committees who make recommendations to the Faculty, where the recommendations are passed upon and sent on to the Trustees. The chairman of a Committee making a report to the Faculty is always the head of the department involved. The Dean takes no part. The President may help, but assumes very little responsibility.

Yale University.

Assistants and Instructors are nominated by the Professors (all grades) of a department, to be reported to the Corporation with the approval of the Dean concerned. Professors of all grades are nominated to the Corporation by the Board of Permanent Officers of a "School" (full Professors chiefly) on recommendation of the Professors of a department and by a Standing Committee of the Board of Permanent Officers.

Machinery for Handling Dismissal Cases

The real point of the investigation lies in the facts found concerning the extent of Faculty influence over dismissal cases. In other words, what local machinery exists to give a member of the instructional staff a hearing before his peers, and furnish protection against arbitrary action from either administrative officers or the Trustees. The replies to this question show that thirteen of the fifty-four institutions have already definite machinery for dealing with dismissal cases.

Amherst College.

A committee chosen by Faculty deals with dismissals.

University of California.

Dismissals affecting professorial positions can occur only after consultation with properly constituted advisory bodies of the Academic Senate.

University of Colorado.

Each case comes before a Committee appointed by the University Senate which is composed of Professors of all ranks, the Deans, the Registrar and the Comptroller. This method has been incorporated in a recent constitution and adopted by the Board of Regents. The machinery gives to a Professor a hearing by his peers.

Dartmouth College.

Here a definite agreement has been worked out between the Faculty and the Trustees governing appointments, promotions, demotions, and dismissals. Notice, except in case of grave moral delinquency, shall be given at least three months before the close of any academic year, and in cases of teachers above the rank of instructor who have had at least three years of service, one year's notice should be given.

Every college teacher before dismissal or demotion shall be entitled to have the reasons upon which the action is projected stated in writing, and to have an investigation of those reasons before the Advisory Committee, unless that Committee together with the President shall unanimously agree that for the good of the college the dismissal or demotion should take place without such presentation of reasons and investigation. The Committee

has power, or at the request of the President shall be required, to make public a full account of its findings. (The Trustees expressed themselves as doubtful as to the wisdom of this provision, but were willing to establish the procedure if the members of the Faculty desired it.)

University of Kentucky.

The following provision appears in the Statutes: "Before dismissal or demotion, particularly when there is an alleged breach of academic freedom or individual liberty, any member of the Faculty is entitled to have the charges against him stated in writing, to have a trial before a special Committee of the Senate, and to have the recommendations of such Committees presented to the Board of Trustees, upon whom rests final authority for the promotion, appointment, or removal of the members of the teaching, experiment station, and extension staffs."

University of North Dakota.

University Constitution provides that a man may demand a trial before a Committee of his colleagues, but no such case has ever arisen.

Princeton University.

Before a Professor of any rank is removed for cause, he shall receive a statement in writing of the reasons for the proposed removal and shall be entitled, if he wishes it, to a hearing before the Conference Committee of the Faculty (a Committee of Conference with the Board of Trustees). The Committee, after hearing the case, shall report its opinion, with a full statement of the reasons, to the Trustees. Before final action is taken by the Board, a Committee thereof shall meet with the Conference Committee to discuss the report, at which the Professor shall again have a right to appear and be heard.

Reed College.

All proposed recommendations of the President with respect to appointments, promotions, and removals come before the Faculty Council for discussion; if not approved, they go to the Welfare Committee (two Regents, President, two elected Faculty members).

Smith College.

A Standing Committee consisting of the President, the Dean, and three others elected annually by ballot by the Academic Council shall be constituted to be called the Committee on Tenure and Promotion. This Committee shall consider:

1. All proposed dismissals of members of the Faculty appointed without limit of time.
2. All promotions to the rank of full Professor and Associate Professor whether proposed by the President or by the Department or by the candidate.
3. The findings of this Committee shall be reported to the Trustees for consideration in the final decision of each case; and when so desired by a majority of the Committee, these findings shall be presented at a joint meeting of the Committee and the Trustees.

Stanford University.

The Advisory Board, described above, constitutes the machinery for dealing with such cases. The Trustees' by-laws announce a principle as well as establish a procedure to deal with dismissal cases.

Vassar College.

The Committee on Appointments, Promotions, and Dismissals would hear all cases involving dismissal. It is a Trustee rule that the President must consult this Committee. In case of a dismissal, a Professor is granted a hearing before the Committee—the President makes his recommendation to the Trustee Committee. The Professor has right to appeal to the Trustee Committee. The Trustees have agreed to take no action contrary to the recommendations of the Faculty Committee on Appointments, Promotions, and Dismissals without offering the Committee a joint Conference.

Washburn College.

Demotion or dismissal of teachers on indefinite tenure shall be made only by the Board of Trustees on the recommendation of the President with the approval of the General Council (with qualifications as stated in Article 10, Section 5).

If demanded in writing by the teacher involved, the grounds of the proposed action shall be stated in writing, and before the

recommendation is made to the Board a hearing on the basis of this statement shall be given before the General Council, the said teacher to be given ten days' notice prior to the hearing. Upon his request a further hearing before the Board shall be granted.

The General Council, here referred to, consists of the President, the Deans, and elective members from the General Faculty equal to the number of Deans, the majority of whom shall be chosen from the School of Liberal Arts and Sciences.

In case the General Council fails to approve the recommendations of the President, the matter goes to a Welfare Council, composed of the President, three members of the Board of Trustees, and three members elected by the General Faculty. This body may veto; it may refer to Board with full information and such suggestions as it deems advisable.

Furthermore, the rules provide that, except in case of grave moral delinquency, notice of dismissal to teachers on indefinite tenure shall be given by March 1st, and in case of teachers who have served the institution for a period of five years, one year's notice shall be given.

It would appear, therefore, that in case of dismissal, the Professor would have the right to a hearing before the General Council, and in case of difference, the matter could be heard by the Welfare Council before it came to the Board for final action.

Williams College.

The President would consult with the Faculty Conference Committee, chosen by the Faculty for conference with the President and Trustees on matters concerning college policy. This Committee consists of five members chosen annually.

In addition to the institutions that have set up a definite procedure to deal with dismissal cases the replies indicate that the question has received attention in twenty-one of the other institutions. In other words, only twenty of the fifty-four replies admit that no machinery has been set up or that no attention has been given to the problems involved. The following institutions belong in this group: Brown, Chicago, Colgate, Indiana University, Iowa University, Knox, Massachusetts Institute of Technology, University of Michigan, University of Minnesota, University of Nebraska, University of North Carolina, Ohio University, University of Oregon,

University of Pennsylvania, Purdue, Syracuse, Tufts, University of Virginia, Wellesley, University of West Virginia.

In twenty-one institutions the problems have received some attention, varying all the way from the discussion of plans to active participation in handling cases. Many of these answers are significant of what is transpiring even where a definite procedure has not been developed. In some instances, as a matter of practice rather than by statutory provisions, there has grown up a procedure by which the Faculty exercises an important influence over dismissals. Quotation from these replies will show this unofficial development.

University of Cincinnati.

In two cases the following action was taken:

1. The President asked the Local Branch to investigate, and the action of the administrative officers was approved.
2. The Branch requested the Board to have a full discussion of the case. This was approved and a representation of the Branch attended the hearing. The discussion was properly conducted and the Professor was retained in service.

Drake University.

A Professor was restored, when removal seemed a violation of academic freedom.

University of Idaho.

The Local Branch has taken up with the new President the question of more power for the Faculty, which was granted.

University of Kansas.

The Local Branch through its members in the University Senate began a movement for a modification of constitution of the University, and a Committee for that purpose was elected, but a change in Chancellors delayed work of Committee.

Lafayette College.

The Branch has taken up one case, and the President approved of the action of the Branch in so doing.

University of Maine.

A Committee of Conference with the Trustees is under discussion, to which such cases might be referred.

University of Missouri.

The Local Branch proposed a scheme to the General Faculty, but the Faculty voted it down. The plan proposed principles as well as a method of procedure along the line of those suggested by the A. A. U. P. (Copy of this plan appears in January-February, 1921, BULLETIN of A. A. U. P.)

University of Nevada.

Faculty tried to get through a resolution establishing a Faculty Advisory Committee to the President on all matters of university policy, but the objection of the President defeated the resolution.

University of New York.

The Local Branch introduced a resolution calling for such a body (a Judicial Committee), but was not able to press it to a vote of the Faculty.

Northwestern University.

The Statutes of the University provide the following rule: "A Faculty or any member of a Faculty may present to the Board of Trustees or its Executive Committee, a report or a petition, transmitted through the President, on any matter concerning the interests of any School or College of the University. At convenient intervals, or upon the request of ten Faculty members, the President shall arrange for conferences between the Board of Trustees and the Faculties, or representatives thereof, for the discussion of educational policies or the conditions and needs of the University and its several Schools."

This rule has been used only on questions of general educational needs and policy, but could be invoked for other conditions if the occasion warranted.

The Local Branch has under consideration the establishment of a Judicial Committee.

Swarthmore College.

The Local Branch has drawn up a "memorandum" on tenure and presented same to the President.

University of Texas.

In practice the President consults with a Committee of Faculty. If question of Academic Freedom is involved, the President includes representation of the Branch of this Association. The practice seems to conform closely to the recommendations of the A. A. U. P. and apparently the Regents approve the practice. The uncertain factors seem to be the pressure through the legislature.

Trinity College.

Power of dismissal solely in hands of Trustees. Their rules provide that "no Professor shall be dismissed or requested to resign except after the presentation to him of a written statement of the reasons for such action, to which statement he shall have opportunity to reply."

Tulane University.

Only one case in fifteen years. The move for dismissal originated within the Faculty, recommendation to dismiss was made to President by Faculty, after investigation. When presented to the Board a Committee was appointed, which included some members of the Faculty. This Committee reported to the Board, which alone had authority to dismiss. The attitude of the President and Board is such as to give confidence that a request for the appointment of a Judicial Committee would be granted.

Union College.

The Joint Conference Committee of Faculty and Trustees would doubtless discuss any case that should arise.

Western Reserve University.

No special machinery, largely because the whole case is already within the hands of the Faculty.

University of Wisconsin.

The University Committee, consisting of five members elected by the Faculty, would be called in.

University of Yale.

The permanent officers would no doubt organize machinery on short notice.

Certain conclusions seem apparent from the information that has come to the Committee in the form herein indicated.

1. There has developed a considerable faculty influence in the control of appointments and dismissals in the institutions studied. Among these are both large and small institutions; both state and endowed institutions. It would seem from the replies that there has been less attention in state than in endowed institutions. Certainly the most completely organized plans of procedure for exercising faculty influence in protecting professional standards of academic freedom and tenure appear in endowed institutions. The problem is more difficult to deal with in a state university on account of the legal relations, and this may explain the difference found.

2. The principles set up by this Association are gradually becoming recognized as reasonable standards to be attained. An examination of the statutory provisions that have been adopted in recent years will clearly reveal internal evidence of familiarity with the declarations of this Association on the points covered.

The identical phrases appear in some of these documents that are found in the pronouncements of our Association. It would seem, then, that gradually and with no blare of trumpets the Association has been a potent influence in formulating an opinion in respect to the proper professional standing of the instructional staff of our colleges and universities; in determining what protection is necessary to promote research and the promulgation of truth; what procedure in terminating contractual relations is in keeping with the vital interests of the teacher or research student, and the dignity of the institution. Evidence appears to show that members of the profession frown on incompetency and inefficiency and that faculty members have shown fearlessness in taking the initiative to remove incompetent and inefficient teachers. It is evident that the right to participate in the determination of policies affecting the interests of the Faculty will carry with it responsibilities not previously assumed. There cannot be authority without responsibility.

3. Finally, the evidence shows that while Local Branches in a number of institutions, but not in all, have taken an active part in bringing about the results above described, in a great majority of the instances studied the Branches have not been as potent an influence as the effective formulation of standards by the Association. There has been a large degree of inactivity on the part of the Branches. Whether this can or should be otherwise is not part

of the purpose of this investigation. Judged by the replies received, no other conclusion can be drawn.

The replies suggest one possible means by which the Local Branch can become more effective. In a good many of the returns and from other letters received, it is evident that the local members are not familiar with the previous reports of the Association nor at all times with the work which the various Committees are attempting to do. Members who have joined the Association since the earlier reports were made, are probably unacquainted with the pronouncements of the Association on the many questions that have come before it. The Local Branch is a convenient medium by which this information, whether found in previous reports or contained in the work of current Committees, can be brought to the attention of the local members. Discussion of these matters, especially in their adaptation to local situations, will tend to create an interest and aid in developing a public opinion among the members of the profession, from whom the educating influences on general public opinion pertaining to these questions of such vital interest to the profession must come.

PART II

The following summary of the activities of Committee A during the past year is presented. The Committee has had presented to it during the year but four new cases. One of these was voluntarily withdrawn, one has received the sanction of the Committee for an investigation, and two are under consideration.

Two pending reports have been completed, and approved, by the Committee, and advanced for publication. In one of these reports, the action of the institution was upheld, while in the other the verdict of the Committee was that a serious mistake was made by the institution and an injustice done the men involved. A third report is in the hands of the Chairman and will be presented to the Committee as soon as certain preliminary correspondence can be had and an agreement reached on certain details of the report.

In two of the new cases there appears to be a question of a violation of academic freedom. From the point of view of the Association, these cases should furnish a basis for careful discrimination in the use of the principles laid down in the previous pronouncements on this subject.

The method of handling such cases presents a real problem for the

Association. Our present method is as follows: A case reaches the attention of the Chairman of Committee A, who makes such preliminary investigation as he thinks wise. Usually documents are submitted by the party affected, but these may be colored by his personal interests. Statements concerning the case made by friends are likely to be biased. Correspondence with the administrative officers of the institution often adds a different story. From these sources the Chairman has to decide whether or not an investigation is warranted.

Then the case is presented to the Committee, which is composed of fourteen or fifteen members distributed from one end of the country to the other; with the request for a vote authorizing an investigation. By the time this vote of the Committee is taken, a considerable time has elapsed. Then the Chairman of Committee A must secure a group of men willing to undertake the investigation. In making this selection two principles have been followed. First, the investigating Committee should represent different fields of learning, thus bringing the question at issue under the scrutiny of men with different training and problems. It has been thought greater confidence would be given to reports that were convincing to men accustomed to deal with different educational questions. The second principle has been to find either a chairman or some member of the sub-committee sufficiently near the institution involved that first-hand investigation may be made without drawing too heavily upon the funds of the Association.

The burden of the investigation falls upon the chairman of the sub-committee. He collects the facts, formulates the report, and then submits the same to his colleagues on this Committee. When agreement is reached the report comes back to the Chairman of Committee A, who is supposed to scrutinize it to make sure that the procedure of investigation approved by the Committee has been followed and to see if the report conforms in the main with the principles of the Association. He then must lay before Committee A a statement of conclusions, with certification that the report has been made in accordance with approved rules, and with a request for authorization to publish. A practice has grown up in connection with the publication of these reports that the sub-committee of investigation alone is responsible for the facts contained in the report. It is apparent, therefore, that the real responsibility for these reports and the real work done on them is by the Chairman of the investigating Committee and the Chairman of Committee A. It is also apparent that of

necessity a very long time will elapse between the case and the report. From the point of view of the man, this is frequently a very annoying situation. From the point of view of the Association interested in developing a sound public opinion in regard to the questions of tenure and academic freedom, the time element is not of so much concern. The fact that the trustees and administrative officers of an institution have had to face a concrete case and think of the issues involved creates the atmosphere in which the educating influences of the Association can best be made effective. As the result of every case there has been a wide circle of educating influence. The discussion of the case has touched a much larger group of persons than those immediately affected. But to the man the method is slow and unsatisfactory.

Consequently there is a real problem here for the Association. If a method can be devised which will shorten materially the time between a case and the report of this Association it would be helpful. It is also a question whether the administrative officers should not be brought more closely into connection with these investigations, so that the issues raised by the individual cases may be brought to bear on the principles for which the Association is to stand.

The suggestions made by the Secretary of our Association appearing in the December, 1920, issue of the *Educational Review* appear to me to have much merit in them. The results found in the investigation contained in Part I of this report add to my conviction that something along this line can be profitably undertaken by this Association. The influence of accepted codes is powerful. Hence I wish to embody the suggestions of Secretary Tyler in this report as a basis for further discussion by this Association.

"1. An acceptable standard code of what academic freedom means and of what it does not mean should be worked out by collaboration of the parties in interest. The university teachers are now in a position to do this as never before through the Association of University Professors, with its membership of 3500 and its five years' varied experience in dealing with specific problems. The administrative agencies have no single organization, but would be representable by the Association of American Universities, the Association of American Colleges, etc.—or more completely by the American Council on Education. A code once well established would be gradually extended and perfected by actual experience in applying it.

"2. A standard procedure should be agreed upon, which should protect the individual teacher against injustice and protect the

administration against the imputation—just, or unjust—of prejudice or arbitrary action. This procedure might be carried out under the direction of a national joint committee, dealing with principles and general policies, with a system of regional sub-committees, composed mainly—but not exclusively—of university teachers, which should review evidence and report findings. Actual power would remain as now with the individual boards of trustees, but if the plan was successful, few boards of trustees would act counter to its recommendations.

“The guiding principle of these proposals and the consistent aim in applying them should be essentially prevention rather than mere investigation of facts accomplished. The recognition of larger responsibility of the teaching profession for the standards of its members would be conscientiously met. Teachers of erratic tendencies would be steadied by the existence of such standards and the knowledge that only within certain recognized bounds will their profession protect them. Teachers would be safeguarded by their consciousness of professional membership. The administration disposed to be arbitrary would hesitate to incur the consequences and would take more pains as to its basis for charges of inefficiency. Parochial boards of trustees would find it less easy than now to improvise arbitrary standards. The systematic cooperation of trustees and teachers would be instructive to both. In many cases there would be opportunity for mediatory action of an informal sort which would forestall serious difficulties.”

In the report from this Committee last year, attention was called to the fact that one institution had accepted “a gift for the specific purpose of controlling the teaching of the chair thus endowed.” This is a matter that should receive the unqualified condemnation of the entire teaching profession. In connection with this question it will be of interest to the members of this Association to see what the President of one of our great universities has to say in his annual report on this subject (President Butler in 1919 Annual Report):

“Under no circumstances should, or can, any self-respecting university accept a gift upon conditions which fix or hamper its complete freedom in the control of its own educational policies and activities. To accept a gift on condition that a certain doctrine or theory be taught or be not taught, or on condition that a certain administrative policy be pursued or be not pursued, is to surrender a university’s freedom and to strike a blow at what should be its characteristic independence. Indeed, any donor who would venture to attempt to bind a university, either as to the form or the content of its teaching or as to its administrative policies, would be a dangerous person. Unless

the public can have full faith in the intellectual and moral integrity of its universities and complete confidence that they direct and are responsible for their own policies, there can be no proper and helpful relationship between the universities and the public. A university may accept a gift to extend and improve its teaching of history, but it may not accept a gift to put a fixed and definite interpretation, good for all time, upon any facts of history. A university may accept a gift to increase the salaries of its professors, but it may not accept a gift for such purpose on condition that the salaries of professors shall never exceed a stated maximum, or that some professors shall be restricted as others are not in their personal literary or scientific activities. No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards."

The right of a man to make a gift for the purpose of advancing his own ideas is unquestioned as is also the right of an institution to accept a gift subject to the stipulations of the donor. However, when an institution accepts a gift with such terms, it ceases to be an institution in which truth is sought and taught. Freedom of research and learning dies at that institution and it thereafter exists for propaganda purposes. There is just as much reason for an institution to accept a bequest from the American Federation of Labor for the purpose of teaching the principles of trade unionism acceptable to that organization, or to accept a gift from some wealthy disciple of Socialism for the purpose of spreading the doctrines of Socialism, as for an institution to accept a gift from a wealthy business man for the purpose of teaching the social, economic, and political ideas that are acceptable to him. In each case the institution would exist for propaganda purposes. The Rand School of New York was founded definitely for such a purpose. No complaint can be made when the purpose is clearly set forth. But when an institution pretends that research and teaching are free within its doors and makes its appeal to the public on that basis and then accepts a gift that controls the freedom of teaching, the case is very different.

The distinctive function of the college or university teacher in modern society is to give to his fellow-man the results of his investigations in his field of learning. Unless the teacher is given untrammelled freedom to give to society what he finds or believes to be true, society is not getting from him the service for which he is set apart. His findings may contain errors, but his col-

leagues will soon discover false assumptions, false reasoning, and expose them. All knowledge has been developed in this way, each investigator contributing his bit to the sum total of truth. In so far as an institution interferes with the freedom of the scholar and attempts to limit the findings of his researches, to that extent it is departing from its proper functions. The acceptance of these fundamental principles is an essential condition for wise administration of our colleges and universities. The trustees and administrative officers should keep these basic ideas in mind when prospective gifts are under consideration. In the language of President Butler, "No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards." The alternative policy leads surely to the decay of intellectual life. There can be no rational progress for the community unless the inquiry for truth is free, open-minded, and frank.

For the Committee,

F. S. DEIBLER,
Chairman.

APPENDIX A

QUESTIONNAIRE

1. What professorial ranks do you have on your instructional staff?
2. Who appoints? (Head or chairman of department, dean, president. Indicate method of appointment.)
3. State the tenure of each rank—(*e.g.*, instructor—yearly appointment; assistant professor—term of years; professor—indefinite appointment. Please give rules, if any, and general practice where specific rules have not been adopted.)
4. Do you have any machinery for dealing with dismissal cases involving a violation of academic freedom? If so, give composition of body, how appointed, and any statement showing its operation.
5. Has the Local Branch undertaken to secure the adoption of a judicial committee to deal with dismissal cases?
6. Has the Local Branch undertaken to secure the adoption of principles of tenure similar to those recommended by the A.A.U.P.?